

REMARKS

Claim 1 is allowed as indicated in the Notice of Allowance mailed 20 October 2006.

The applicant's attorney respectfully requests the addition of claims 10 – 17 to the application after a Notice of Allowance has been issued in the application. Claims 10 – 17 correspond to claims 2 – 9 that were previously withdrawn in the response to the examiner's restriction requirement and then were canceled in the response to the examiner's office action. The applicant's attorney mistakenly canceled the original claims before they could be rejoined and allowed with claim 1.

Claim 12 is different than the original claim 4 because "prevention" has been omitted from claim 12. The remaining added claims are identical to their corresponding original claims. Claims 10 – 13 recite a composition that includes the probiotic recited in claim 1, now allowed. Claims 14 and 15 recite a method for reducing the incidence of or treating an infection that includes administering the probiotic recited in claim 1, now allowed. Claims 16 and 17 recite a method for retarding the onset of or treating an infection that includes administering the probiotic recited in claim 1, now allowed.

Thus, claims 10 – 17 are needed to protect a use of the allowed probiotic and a composition that includes the probiotic. Because claims 10 – 17, each recite the probiotic recited in the allowed claim 1, claims 10 – 17 should not require an additional search or examination, and are patentable.

If the examiner has any questions regarding the application, the applicant's attorney respectfully requests that the examiner contact Mr. John Janeway at 425-455-5575) to resolve the matter.

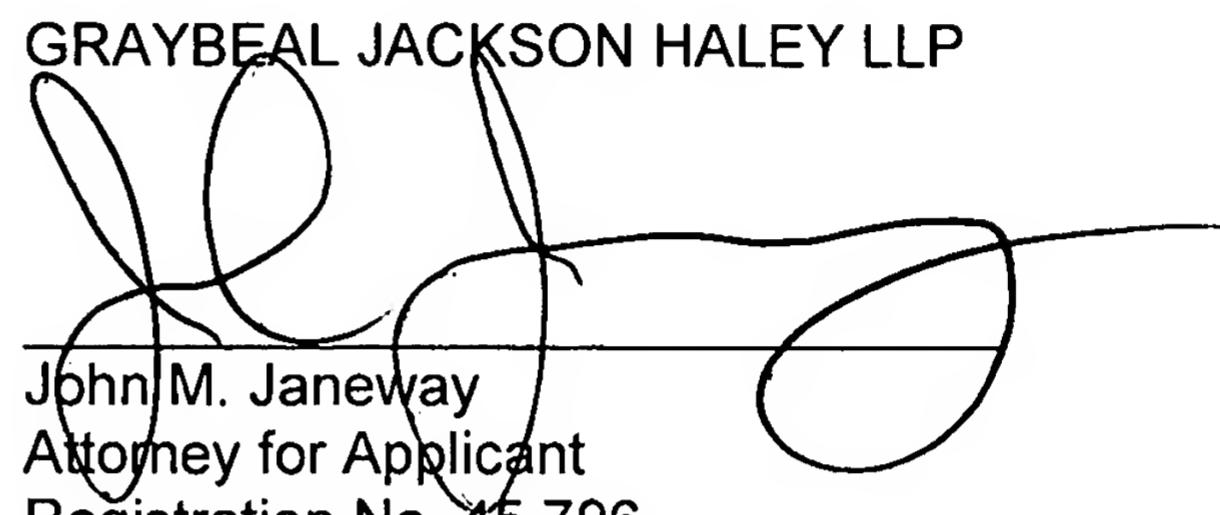
The applicant's attorney respectfully requests the examiner add claims 10 – 17 to the application and issue an allowance for claims 1 and 10 – 17.

Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

DATED this 26th day of October 2006.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP



John M. Janeway
Attorney for Applicant
Registration No. 45,796
155-108th Avenue N.E., Ste. 350
Bellevue, WA 98004-5973
(425) 455-5575